

ESTTA Tracking number: **ESTTA446193**

Filing date: **12/14/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Shoe Show, Inc.
Granted to Date of previous extension	12/21/2011
Address	2201 Trinity Church Road Concord, NC 28027 UNITED STATES
Attorney information	Kathleen T. Gallagher-Duff Covington & Burling LLP 1201 Pennsylvania Avenue, N.W. Washington, DC 20004 UNITED STATES trademarks@cov.com Phone:202.662.5299

### Applicant Information

Application No	85082862	Publication date	08/23/2011
Opposition Filing Date	12/14/2011	Opposition Period Ends	12/21/2011
Applicant	Super Star International, Inc. 1935 Santa Anita Avenue South El Monte, CA 91733 UNITED STATES		

### Goods/Services Affected by Opposition


Class 025. First Use: 2010/03/01 First Use In Commerce: 2010/03/01  
All goods and services in the class are opposed, namely: Athletic shoes; Footwear; Running shoes; Shoes

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85285603	Application Date	04/04/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	AIR SPORTS WORLD		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2000/09/08 First Use In Commerce: 2000/09/08 Footwear

Attachments	85285603#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition SN 85082862.pdf ( 6 pages )(219403 bytes ) Exhibit A.pdf ( 13 pages )(1637719 bytes )
-------------	---

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/kathleentgallagher-duff/
Name	Kathleen T. Gallagher-Duff
Date	12/14/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of: Serial No. 85/082,862  
Date of Filing: July 12, 2010  
Mark: AIR SPORT and Design  
Date of Publication: August 23, 2011

Shoe Show, Inc.,

Opposer,

v.

Super Star International, Inc.,

Applicant.

Opposition No. \_\_\_\_\_

Serial No. 85/082,862

**NOTICE OF OPPOSITION**

Shoe Show, Inc., a North Carolina corporation located and doing business at 2201 Trinity Church Road, Concord, North Carolina 28027 (“Shoe Show”), believes that it will be damaged by registration of the mark AIR SPORT and Design, shown in Serial No. 85/082,862, for athletic shoes, footwear, running shoes, and shoes, in International Class 25, and hereby opposes the same.

The grounds for opposition are as follows:

1. By the application herein opposed, Applicant Super Star International, Inc. (“Super Star”) seeks to obtain registration on the Principal Register of the United States Patent

and Trademark Office (“PTO”) of the mark AIR SPORT and Design for athletic shoes, footwear, running shoes, and shoes, in International Class 25. Super Star’s application claims first use of its AIR SPORT and Design mark on the foregoing products anywhere and in interstate commerce on March 1, 2010.

2. Super Star also has filed an application for the mark AIR SPORT AIR SPORT and Design for athletic shoes, footwear, running shoes, and shoes (Serial No. 85/084,792). Shoe Show has filed a separate Notice of Opposition against said application.

3. Super Star’s AIR SPORT and Design application, which is the subject of this Notice of Opposition, was filed on July 12, 2010, and was published for opposition on August 23, 2011. On September 13, 2011, Shoe Show timely filed a 30-day request for an extension of time to file a Notice of Opposition, extending the opposition deadline to October 22, 2011. On October 14, 2011, Shoe Show timely filed an additional 60-day request for an extension of time to file a Notice of Opposition, extending the opposition deadline to December 21, 2011. Both extension requests were granted. Accordingly, the filing of this Notice of Opposition is timely.

4. Shoe Show is the owner of a pending federal registration application for the mark AIR SPORTS WORLD for footwear (Serial No. 85/285,603). A copy of Shoe Show’s federal registration application and a printout of the current status of such application from the PTO’s Trademark Applications and Registrations Retrieval (“TARR”) database are attached hereto as Exhibit A.

5. Shoe Show has used and promoted its AIR SPORTS WORLD mark to identify footwear anywhere and in interstate commerce since at least September 8, 2000.

Accordingly, Shoe Show has acquired exclusive rights in such mark, which rights are superior to those of Super Star in the mark AIR SPORT and Design.

6. As a result of regular use and promotion for over 11 years, Shoe Show's mark AIR SPORTS WORLD for footwear has become known to the public as a mark associated with Shoe Show, and Shoe Show has acquired significant goodwill associated therewith.

7. Super Star's mark AIR SPORT and Design is confusingly similar to Shoe Show's mark AIR SPORTS WORLD. Super Star's mark consists in its entirety of the first word in Shoe Show's mark -- the dominant word "Air" -- followed immediately by the singular of the second word in Shoe Show's mark -- the word "Sport." The words "Air Sport" in Super Star's mark and "Air Sports" in Shoe Show's mark are confusingly similar in sound, appearance, meaning and commercial impression. The design element in Super Star's mark -- a star/diamond between the words "Air" and "Sport" -- do not distinguish Super Star's mark from Shoe Show's mark AIR SPORTS WORLD and do not avoid a likelihood of confusion between Super Star's mark and Shoe Show's mark AIR SPORTS WORLD.

8. In her Office Action dated July 15, 2011, the PTO examining attorney assigned to review Shoe Show's pending application for AIR SPORTS WORLD (Serial No. 85/285,603) determined that Super Star's pending applications for AIR SPORT AIR SPORT and Design (Serial No. 85/084,792) and AIR SPORT and Design (Serial No. 85/082,862) may be confusingly similar to Shoe Show's mark AIR SPORTS WORLD. The PTO examining attorney also advised that upon receipt of Shoe Show's response to said Office Action, action on Shoe Show's pending application for AIR SPORTS WORLD may be suspended pending disposition of Super Star's earlier-filed applications. On December 14, 2011, Shoe Show requested that the PTO examining attorney suspend further action on Shoe Show's pending application for AIR

SPORTS WORLD (Serial No. 85/285,603) pending disposition of the oppositions that Shoe Show has filed against Super Star's pending applications for AIR SPORT AIR SPORT and Design (Serial No. 85/084,792) and AIR SPORT and Design (Serial No. 85/082,862).

9. The goods identified by Super Star's pending application for AIR SPORT and Design -- athletic shoes, footwear, running shoes, and shoes -- are identical to the products on which Shoe Show has used its AIR SPORTS WORLD mark for over 11 years -- footwear.

10. On information and belief, Super Star's goods under the mark AIR SPORT and Design are sold to the same class of customers as are Shoe Show's AIR SPORTS WORLD products -- consumers. Because Super Star's application includes no restriction as to the classes of customers to whom athletic shoes, footwear, running shoes and shoes are sold under Super Star's mark, it must be assumed that Super Star's athletic shoes, footwear, running shoes and shoes are sold under its mark AIR SPORT and Design to the same class of customers as are Shoe Show's AIR SPORTS WORLD products.

11. On information and belief, Super Star's goods under the mark AIR SPORT and Design are provided through some of the same channels of trade as are goods identified by Shoe Show's AIR SPORTS WORLD marks, including retail stores and the Internet. Because Super Star's application includes no restriction as to the channels of trade through which Super Star's products are sold under its mark, it must be assumed that Super Star's athletic shoes, footwear, running shoes and shoes are sold under Super Star's mark through the same channels of trade as are Shoe Show's AIR SPORTS WORLD footwear.


12. The adoption and use by Super Star of the mark AIR SPORT and Design for athletic shoes, footwear, running shoes and shoes is likely to cause confusion with Shoe

Show's use of its mark AIR SPORTS WORLD, and is likely to cause consumers to assume, erroneously, that Super Star's goods originate with, are sponsored or approved by, or somehow are associated with, Shoe Show. Shoe Show's invaluable goodwill in its AIR SPORTS WORLD mark will be seriously jeopardized thereby.

13. Shoe Show believes that it will be damaged by registration of the mark AIR SPORT and Design for the goods covered in Super Star's subject application because such registration will assist and support Super Star in its confusing and misleading use of the AIR SPORT and Design mark and will create statutory rights in Super Star in violation and derogation of the prior and superior rights of Shoe Show.

14. A duplicate copy of this Notice of Opposition is enclosed herewith. Please charge the fee required in 37 C.F.R. 2.6(a)(17), and any other fees required in connection with this Petition, to the Deposit Account of Covington & Burling, Deposit Account No. 03-3412.

WHEREFORE, Shoe Show prays that this opposition be sustained and that registration of Application Serial No. 85/082,862 be denied.

By:   
Bingham B. Leverich  
Kathleen T. Gallagher-Duff  
Marie A. Lavalleye  
Kristina Rosette  
COVINGTON & BURLING  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2401  
  
Attorneys for Opposer  
Shoe Show, Inc.

Dated: December 14, 2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Shoe Show, Inc.,

Opposer,

v.

Super Star International, Inc.,

Applicant.


Opposition No. \_\_\_\_\_

Serial No. 85/082,862

CERTIFICATE OF SERVICE

This is to certify that I have this 14th day of December 2011, served Applicant's counsel of record with the foregoing Notice of Opposition by email to tmregistered@gmail.com and by depositing a copy of the same in the United States mail, first class mail, postage prepaid and properly addressed as follows:

c/o 3tmc  
Super Star International, Inc.  
PO Box 1818  
Rancho Cucamonga  
California  
United States  
91729-1818  
tmregistered@gmail.com

  
Kathleen T. Gallagher-Duff  
Counsel for Opposer Shoe Show, Inc.



# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 85285603

Filing Date: 04/04/2011

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">AIR SPORTS WORLD</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	AIR SPORTS WORLD
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Shoe Show, Inc.
*STREET	2201 Trinity Church Road
*CITY	Concord
*STATE (Required for U.S. applicants)	North Carolina
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	28027

<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	CORPORATION
<b>* STATE/COUNTRY OF INCORPORATION</b>	North Carolina
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>*INTERNATIONAL CLASS</b>	025
<b>IDENTIFICATION</b>	Footwear
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 09/08/2000
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 09/08/2000
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT11\IMAGEOUT 11\852\856\85285603\xml1\FTK0003.JPG">\\TICRS\EXPORT11\IMAGEOUT 11\852\856\85285603\xml1\FTK0003.JPG</a>
	<a href="\\TICRS\EXPORT11\IMAGEOUT 11\852\856\85285603\xml1\FTK0004.JPG">\\TICRS\EXPORT11\IMAGEOUT 11\852\856\85285603\xml1\FTK0004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	a photograph of the packaging for the goods which shows use of the mark
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION (if applicable)</b>	
<b>*TRANSLITERATION (if applicable)</b>	
<b>*CLAIMED PRIOR REGISTRATION (if applicable)</b>	The applicant claims ownership of U.S. Registration Number(s) 1144306 and 1779313.
<b>*CONSENT (NAME/ LIKENESS) (if applicable)</b>	
<b>*CONCURRENT USE CLAIM (if applicable)</b>	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Kathleen T. Gallagher-Duff, Esq.
<b>ATTORNEY DOCKET NUMBER</b>	029137.00101
<b>FIRM NAME</b>	Covington & Burling LLP
<b>STREET</b>	1201 Pennsylvania Avenue, N.W.

<b>CITY</b>	Washington
<b>STATE</b>	District of Columbia
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	20004
<b>PHONE</b>	202-662-5299
<b>FAX</b>	202-778-5299
<b>EMAIL ADDRESS</b>	trademarks@cov.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Bingham B. Leverich, Marie A. Lavalleye, Kristina Rosette
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Kathleen T. Gallagher-Duff, Esq.
<b>FIRM NAME</b>	Covington & Burling LLP
<b>*STREET</b>	1201 Pennsylvania Avenue, N.W.
<b>*CITY</b>	Washington
<b>*STATE (Required for U.S. applicants)</b>	District of Columbia
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	20004
<b>PHONE</b>	202-662-5299
<b>FAX</b>	202-778-5299
<b>*EMAIL ADDRESS</b>	trademarks@cov.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>ORIGINAL PDF</b>	

<b>FILE</b>	<a href="#">hw_21620093134-164837963_. Pages_from_AirSportsWorld.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\852\856\85285603\xml1\FTK0005.JPG</a>
<b>* SIGNATORY'S NAME</b>	Robert B. Tucker
<b>* SIGNATORY'S POSITION</b>	President

---

## **Trademark/Service Mark Application, Principal Register**

### **TEAS Plus Application**

**Serial Number: 85285603**

**Filing Date: 04/04/2011**

#### **To the Commissioner for Trademarks:**

**MARK:** AIR SPORTS WORLD (Standard Characters, see [mark](#))

The literal element of the mark consists of AIR SPORTS WORLD.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Shoe Show, Inc., a corporation of North Carolina, having an address of  
2201 Trinity Church Road  
Concord, North Carolina 28027  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 025: Footwear

In International Class 025, the mark was first used at least as early as 09/08/2000, and first used in commerce at least as early as 09/08/2000, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) a photograph of the packaging for the goods which shows use of the mark.

[Specimen File1](#)

[Specimen File2](#)

The applicant claims ownership of U.S. Registration Number(s) 1144306 and 1779313.

The applicant's current Attorney Information:

Kathleen T. Gallagher-Duff, Esq. and Bingham B. Leverich, Marie A. Lavalleye, Kristina Rosette of  
Covington & Burling LLP

1201 Pennsylvania Avenue, N.W.

Washington, District of Columbia 20004

United States

The attorney docket/reference number is 029137.00101.

The docket/reference number is 029137.00101.

The applicant's current Correspondence Information:

Kathleen T. Gallagher-Duff, Esq.  
Covington & Burling LLP  
1201 Pennsylvania Avenue, N.W.  
Washington, District of Columbia 20004  
202-662-5299(phone)  
202-778-5299(fax)  
trademarks@cov.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

**Original PDF file:**

[hw\\_21620093134-164837963\\_. Pages from AirSportsWorld.pdf](#)

**Converted PDF file(s)** (1 page)

[Signature File1](#)

Signatory's Name: Robert B. Tucker

Signatory's Position: President

RAM Sale Number: 3636

RAM Accounting Date: 04/05/2011

Serial Number: 85285603

Internet Transmission Date: Mon Apr 04 16:51:33 EDT 2011

TEAS Stamp: USPTO/FTK-216.200.93.134-201104041651331

13061-85285603-48023f9eefde54b7432b716da

5cbad5a963-DA-3636-20110404164837963694

# AIR SPORTS WORLD







**MARK:** AIR SPORTS WORLD (Standard Characters, see mark)

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

**Signature Section:**

Signature: Robert B. Tucker Pres

Signatory's Name: Robert B. Tucker

Signatory's Position: President

Date Signed: 3-31-11

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-12-14 07:39:00 ET

Serial Number: 85285603 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

AIR SPORTS WORLD

(words only): AIR SPORTS WORLD

Standard Character claim: Yes

**Current Status:** A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-07-15

Filing Date: 2011-04-04

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:  
BRADLEY EVELYN W

Current Location: L5X -TMEG Law Office 105 - Examining Attorney Assigned

Date In Location: 2011-07-15

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [Shoe Show, Inc.](#)

**Address:**

[Shoe Show, Inc.](#)  
[2201 Trinity Church Road](#)  
[Concord, NC 28027](#)  
[United States](#)

**Legal Entity Type:** [Corporation](#)

**State or Country of Incorporation:** [North Carolina](#)

---

---

**GOODS AND/OR SERVICES**

---

**International Class:** [025](#)

**Class Status:** [Active](#)

[Footwear](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [2000-09-08](#)

**First Use in Commerce Date:** [2000-09-08](#)

---

---

**ADDITIONAL INFORMATION**

---

**Prior Registration Number(s):**

[1144306](#)

[1779313](#)

---

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

---

**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

[2011-07-15 - Notification Of Non-Final Action E-Mailed](#)

[2011-07-15 - NON-FINAL ACTION E-MAILED](#)

[2011-07-15 - Non-Final Action Written](#)

[2011-06-04 - Notification Of Non-Final Action E-Mailed](#)

[2011-06-04 - Non-final action e-mailed](#)

[2011-06-04 - Non-Final Action Written](#)

2011-05-28 - Assigned To Examiner

2011-04-07 - New Application Office Supplied Data Entered In Tram

2011-04-07 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Kathleen T. Gallagher-Duff, Esq.

**Correspondent**

KATHLEEN T. GALLAGHER-DUFF, ESQ.

COVINGTON & BURLING LLP

1201 PENNSYLVANIA AVE NW STE 800

WASHINGTON, DC 20004-2494

Phone Number: 202-662-5299

Fax Number: 202-778-5299

---